

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KANYON SAYERS-ROODS,

Plaintiff,

v.

MARLENE RITA MACHADO,

Defendant.

Case No. [5:22-cv-03092-EJD](#)

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
CLARIFICATION; RESETTING
DEADLINE FOR FILING AMENDED
COMPLAINT; DENYING MOTION TO
COMPEL SUBPOENA WITNESS**

Re: Dkt. Nos. 43, 50

Plaintiff filed a motion to amend/correct the Order Dismissing Claims with Leave to Amend (“Order”). Dkt. No. 43. Federal Rule of Civil Procedure 60(a) provides that clerical mistakes in judgments, orders or other parts of the record may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders.” Plaintiff motion raises three questions. First, Plaintiff points out that there is a clerical error in the Order in that it refers to the “Constanoan Tribal Court” instead of the “Costanoan Tribal Court of the Costanoan-Chualar Indian Tribal Government of Indian Canyon.” Plaintiff’s motion for clarification is granted to the extent it is based on this clerical error. The Court will issue an amended Order. The deadline to file an amended complaint is reset to September 30, 2022. It is unclear what action Plaintiff is requesting the Court take in response to Questions 2 and 3. Therefore, the motion is denied without prejudice as to Question 2 and 3.

Plaintiff also filed a motion to compel. Dkt. No. 50. That motion is denied. Plaintiff cannot pursue any discovery at this stage in the litigation. *See* Federal Rule of Civil Procedure 26; Civil Local Rules.

Again, the Court encourages Plaintiff to seek out the assistance of the Federal Pro Se Program, which offers free legal information for pro se litigants. Although the Program does not

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1 provide legal representation, the Program may be able to locate a pro bono counsel willing to
2 assist Plaintiff with the case. The Program's phone number is (408) 297-1480. More information
3 on the Program is available on the Court's website at <https://cand.uscourts.gov/helpcentersj>.

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5 **IT IS SO ORDERED.**

6 Dated: August 22, 2022

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9 EDWARD J. DAVILA
10 United States District Judge
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